

PROB 12C
(6/16)

Report Date: April 19, 2023

United States District CourtFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

for the

Apr 20, 2023

Eastern District of Washington

SEAN F. McAVOY, CLERK

Revised Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Phillip Devon Johnson

Case Number: 0980 2:23CR00008-TOR-1

Address of Offender: Spokane County Jail

Name of Sentencing Judicial Officer: The Honorable Dana L. Christensen, Chief U.S. District Judge

Name of Supervising Judicial Officer: The Honorable Thomas O. Rice, U.S. District Judge

Date of Original Sentence: August 22, 2018

Original Offense: Possession With Intent to Distribute Methamphetamine, 21 U.S.C. § 841(a)(1), (b)(1)(A)

Original Sentence: Prison - 48 months;
TSR - 60 months

Type of Supervision: Supervised Release

Asst. U.S. Attorney: Caitlin Baunsgard

Date Supervision Commenced: October 4, 2022

Defense Attorney: Ryan Farrell

Date Supervision Expires: October 3, 2027

PETITIONING THE COURT

Please Note: The original petition was filed with the Court on March 27, 2023 (ECF 4). The purpose of this petition is to reflect updated case information in the violations, as well as additional information in the violation report. All updated information is italicized.

On October 5, 2022, Phillip Johnson reported to the U.S. Probation Office for the purposes of a supervision intake. The conditions of his supervised release were reviewed with him and Mr. Johnson signed a copy of his judgment indicating an understanding of these conditions.

The probation officer believes that the offender has violated the following conditions of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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1 & 2

Mandatory Condition #1: You must not commit another federal, state or local crime.**Mandatory Condition #2:** You must not unlawfully possess a controlled substance.

Supporting Evidence: It is alleged that Phillip Johnson violated the terms of his supervised release by possessing and distributing a controlled substance, fentanyl, around January 2023, and on March 27, 2023.

On March 27, 2023, Mr. Johnson was arrested by members of the Moses Lake Police Department and Alcohol Tobacco and Firearms (ATF). Law enforcement advised in January 2023, Mr. Johnson sold fentanyl pills to an undercover agent. Contact with the United States Attorney's Office indicates Mr. Johnson will be indicted in the Eastern District of Washington as a result of the January 2023 controlled purchase.

Prob12C

Re: Johnson, Phillip Devon

April 19, 2023

Page 2

Law enforcement executed a number of search warrants on March 27, 2023.

Mr. Johnson was arrested and transported by law enforcement to an address on Graves Road in Spokane, Washington. Law enforcement noted that Mr. Johnson has been seen frequenting this residence and Mr. Johnson has this address listed as his address with Washington State Department of Licensing as of November 21, 2022. Mr. Johnson advised law enforcement that they would locate fentanyl pills in the microwave. Law enforcement located approximately 500 fentanyl pills in the microwave and advised that Mr. Johnson admitted ownership of those pills. Law enforcement advised there were no other residents present during the execution of the search at the Graves Road address.

On April 4, 2023, Mr. Johnson was indicted in Eastern District of Washington case number 2:23CR00040-TOR. His charges include two counts of Distribution of 40 Grams or More of Fentanyl, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(B)(vi).

3 & 4

Mandatory Condition #1: You must not commit another federal, state or local crime.

Standard Condition #10: You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).

Supporting Evidence: Phillip Johnson allegedly violated the terms of his supervised release by having access to a firearm on or about March 27, 2023.

On March 27, 2023, Law enforcement conducted surveillance on Mr. Johnson. He was observed leaving the Graves Road address as the sole occupant of a gray BMW sedan displaying Washington license plate CFP9081. Law enforcement followed Mr. Johnson to the Secure-It Self Storage located in Spokane, Washington. Mr. Johnson was observed pulling a white Mercedes sedan, bearing Washington license plate CGR4514, out of unit #20104 and then he parked the BMW sedan in the storage unit.

Law enforcement executed a search warrant on the BMW at Secure-It Self Storage. They located a black duffel bag in the rear driver side seat. The duffel bag contained bulk U.S. currency, a Smith & Wesson model M&P 40, .40 caliber semiautomatic handgun bearing serial number DVF6747. They also located a prescription bottle with a label indicating it was prescribed to Mr. Johnson.

Mr. Johnson was arrested and transported by law enforcement to an address on Graves Road in Spokane. Law enforcement noted that Mr. Johnson has been seen frequenting this residence and Mr. Johnson has this address listed as his address with Washington State Department of Licensing as of November 21, 2022.

While in the master bedroom of the Graves Road residence, law enforcement observed, within plain view, a firearm located under the television stand. Law enforcement advised there were no other residents present during the execution of the search of the Graves Road address and advised charges for unlawful possession of a firearm would be forthcoming.

On April 4, 2023, Mr. Johnson was indicted in Eastern District of Washington case number 2:23CR00040-TOR. His charges include, count 3, Felon in Possession of a Firearm, in violation of 18 U.S.C. §§ 922(g)(1), 924(a)(8).

Prob12C

Re: Johnson, Phillip Devon

April 19, 2023

Page 3

Mr. Johnson (Quarles-Johnson for the purposes of case number 2:23CR00040-TOR), is currently set to appear for an initial appearance and arraignment on April 20, 2023.

The U.S. Probation Office respectfully recommends the Court accept the revised petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 04/19/2023

s/Melissa Hanson

Melissa Hanson
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
☐ The Issuance of a Warrant
☐ The Issuance of a Summons
☒ Other:

***Defendant appeared on the petition dated
3/27/2023 on 3/28/2023 before
Magistrate Judge James A. Goeke.
Defendant to appear before the
Magistrate Judge to be advised of the
new information contained in this revised
petition.***



Thomas O. Rice
United States District Judge

April 20, 2023

Date